

South Carolina Department of Health and Environmental Control  
Office of Ocean and Coastal Resource Management  
104 Parker Ave.  
Beaufort, South Carolina 29906

and

Charleston District, Army Corps of Engineers  
69-A Hagood Ave.  
Charleston, South Carolina 29403

**August 6, 2015**  
**Joint Permit Application Public Notice**

***City of Beaufort, 2015-00562-1C***

The Department has received an application for a permit for the alteration of a critical area. The application was submitted pursuant to the Coastal Zone Management Act (Act 123) of 1977 South Carolina General Assembly. The application in brief, is described as follows:

**LOCATION:** On and adjacent to Battery Creek at Highway 170 & Old Jericho Road, Burton, Beaufort County, South Carolina.  
TMS: R120 028 000 0138 0000.

**WORK:** The work as proposed consists of making stormwater improvements. Specifically, the applicant seeks to impact 0.148 acres of a jurisdictional tidal ditch. Stormwater runoff currently entering Battery Creek from this location receives no pretreatment and is directly discharged via the on-site tidal ditch. The proposed project would re-route the stormwater through an on-site pond prior to entering Battery Creek. The individual impacts include excavation, fill & riprap, and are outlined in the attached drawings. The work as described is for the treatment of approximately 500 acres of upstream stormwater runoff into Battery Creek. Please Note: The freshwater non-jurisdictional impacts are being reviewed concurrently by the Coastal Zone Consistency Section of SC DHEC – OCRM.

This public notice is being distributed to all known interested persons and agencies to assist in developing facts on which a decision by the Department can be based. Comments concerning the proposed work must be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

Comments regarding this application must be received by the Department on or before **September 5, 2015**. For more information, please contact  
Geordy Madlinger at 843-846-9400 or via email at [madlingj@dhec.sc.gov](mailto:madlingj@dhec.sc.gov).

**NOTE:** Plans depicting the proposed work are available and will be provided upon receipt of a written request or may be viewed on the Department website at  
<http://www.scdhec.gov/Apps/Environment/PublicNotices>.

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**

**69A Hagood Avenue**

**Charleston, South Carolina 29403-5107**

**and**

**THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**Office of Ocean and Coastal Resource Management**

**1362 McMillan Avenue, Suite 400**

**Charleston, South Carolina 29405**

REGULATORY DIVISION

Refer to: P/N #~~2015~~2015-00562-1C

AUGUST 5, 2015

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**CITY OF BEAUFORT**

**C/O: JEFFREY WILLIAMS**

**SLIGH ENVIRONMENTAL CONSULTANTS, INC.**

**31 PARK OF COMMERCE WAY, SUITE 200B**

**SAVANNAH, GEORGIA 31405**

for a permit to construct a stormwater treatment in

**BATTERY CREEK**

Located east of and adjacent to SC Highway 170, and west of and adjacent to Old Jericho Road within the City of Beaufort, in Beaufort County, South Carolina. (Latitude: 32.42523, Longitude: -80.7256987).

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

**15 Days from the Date of this Notice,**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of a stormwater treatment project that would impact 0.148 acres of a jurisdictional tidal ditch. In detail, the tidal ditch will be impacted by excavation, fill, and installation of riprap within two areas of the ditch. The stormwater runoff currently entering Battery

August 5, 2015

Creek receives no pretreatment and is directly discharged via the on-site tidal ditch. The proposed project would reroute the stormwater through an on-site pond prior to entering the critical area/ section 10 wetlands and waters of Battery Creek. The project purpose is for the treatment of approximately 500 acres of upstream stormwater runoff into Battery Creek.

Impact A requires excavation of 5,442 square feet of uplands and excavation of 3,000 square feet (350 cubic yards) of the tidal ditch for the creation of a catch basin to assist in collecting sediment that is anticipated to enter from upstream stormwater runoff. For stabilization of the area and to prevent scouring, 2,100 square feet (78 cubic yards) of riprap will be installed.

Impact B is from the proposed installation of an emergency overflow weir. The weir will be set at an elevation that will not allow tidewaters to flood or move into the upstream area (Impact A, catch basin). The impact associated with the weir is 340 square feet (30 cubic yards). Impact B will also ensure that the stormwater generated upstream will be diverted to the proposed settling pond. The area upstream of Impact B (catch basin) is not anticipated to receive tide and would be converted to freshwater once the weir is constructed. This would prohibit tidal waters from entering the proposed stormwater treatment pond.

Impact C is a proposed outfall that will require installation of a tide gate, excavation of the tidal ditch, and installation of riprap for bank stabilization. The tidal ditch excavation will total 800 square feet (20 cubic yards), and involve 800 square feet (20 cubic yards) of riprap to replace the excavated material.

The existing stormwater pond is a non-jurisdictional, upland dug pond that will be utilized for the stormwater treatment. The pond will require dredging of 19,000 cubic yards to facilitate treatment and storage prior to the stormwater discharging into Battery Creek.

The applicant is not proposing mitigation at this time because the proposed project will drastically reduce the amount of stormwater that is directly discharged to critical area/ Section 10 wetlands and waters. In addition, they believe the reduction in bacteria discharged, the reduction in discharge of suspended solids and other trash and the amount of freshwater entering critical area/ Section 10 waters during storm events should have net benefits to downstream areas of Battery Creek and should be considered ample mitigation for the proposed impacts.

**NOTE: This public notice and associated plans are available on the Corps' website at: <http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> . For those unable to access the website, a copy of this notice and the associated plans will be provided, upon receipt of a written request. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided. Your request should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this

August 5, 2015

application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.148 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein and initially determined that no historic properties, nor properties eligible for inclusion in the National Register, are present; therefore, there will be no effect on historic properties. This public notices serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

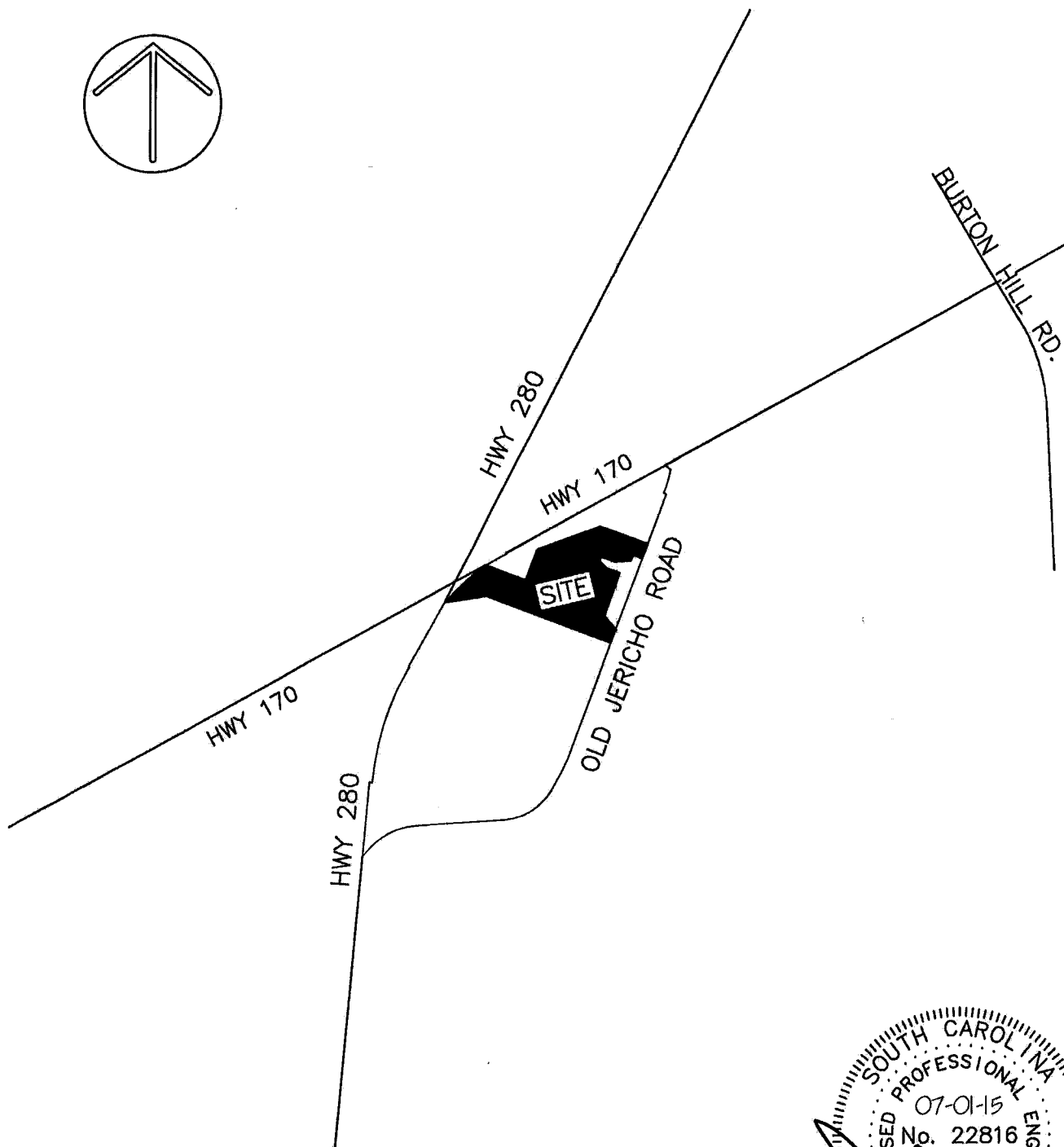
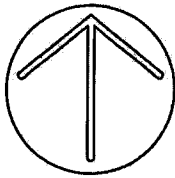
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application

August 5, 2015

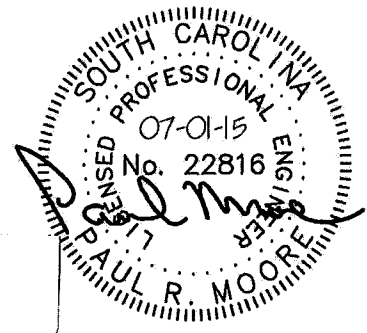
of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact **Chelsea Bowman** at 843-329-8044 or toll free at 1-866-329-8187.



SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

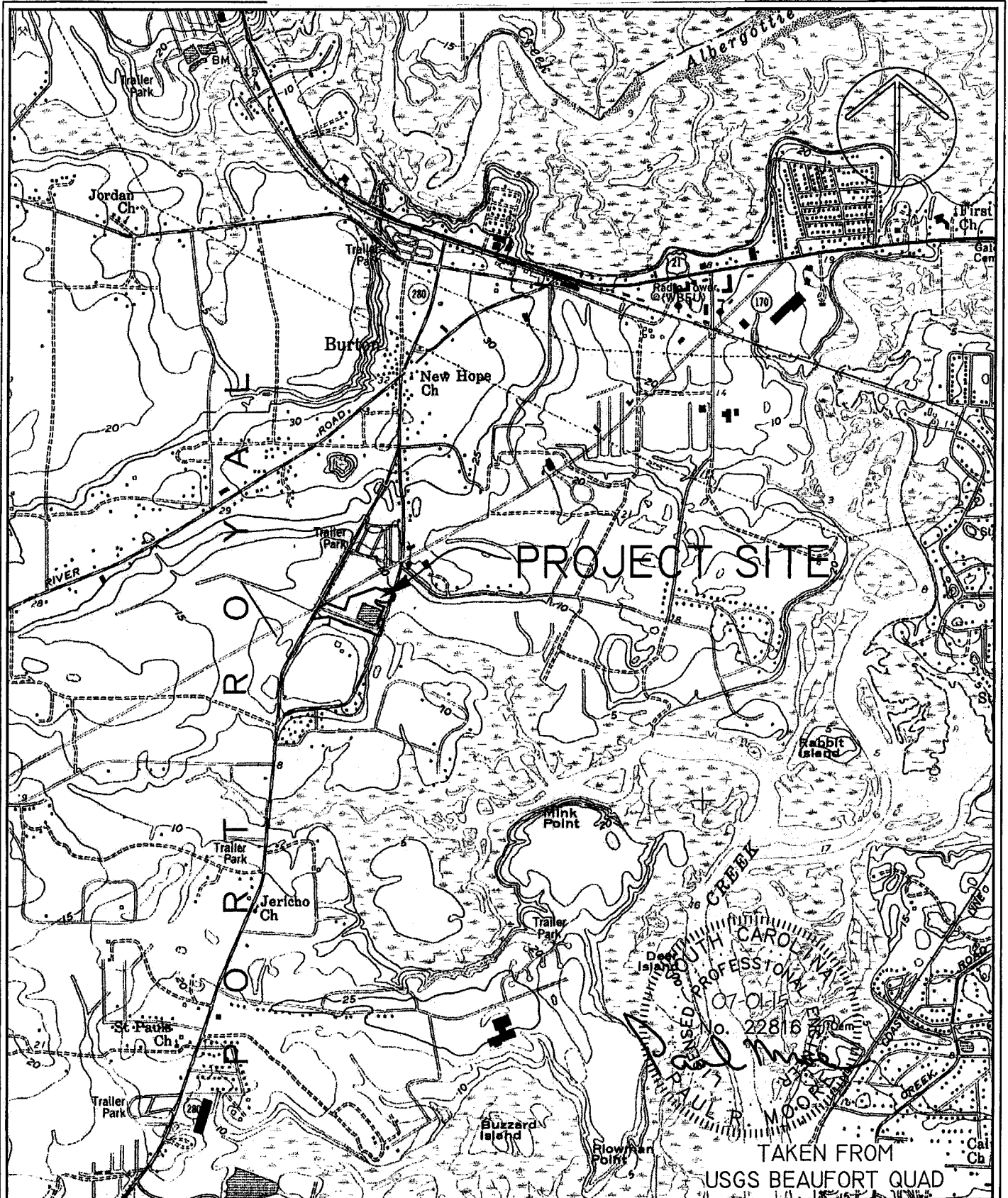
VICINITY MAP

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: NONE  
PROJECT #090093A

SHEET 1 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



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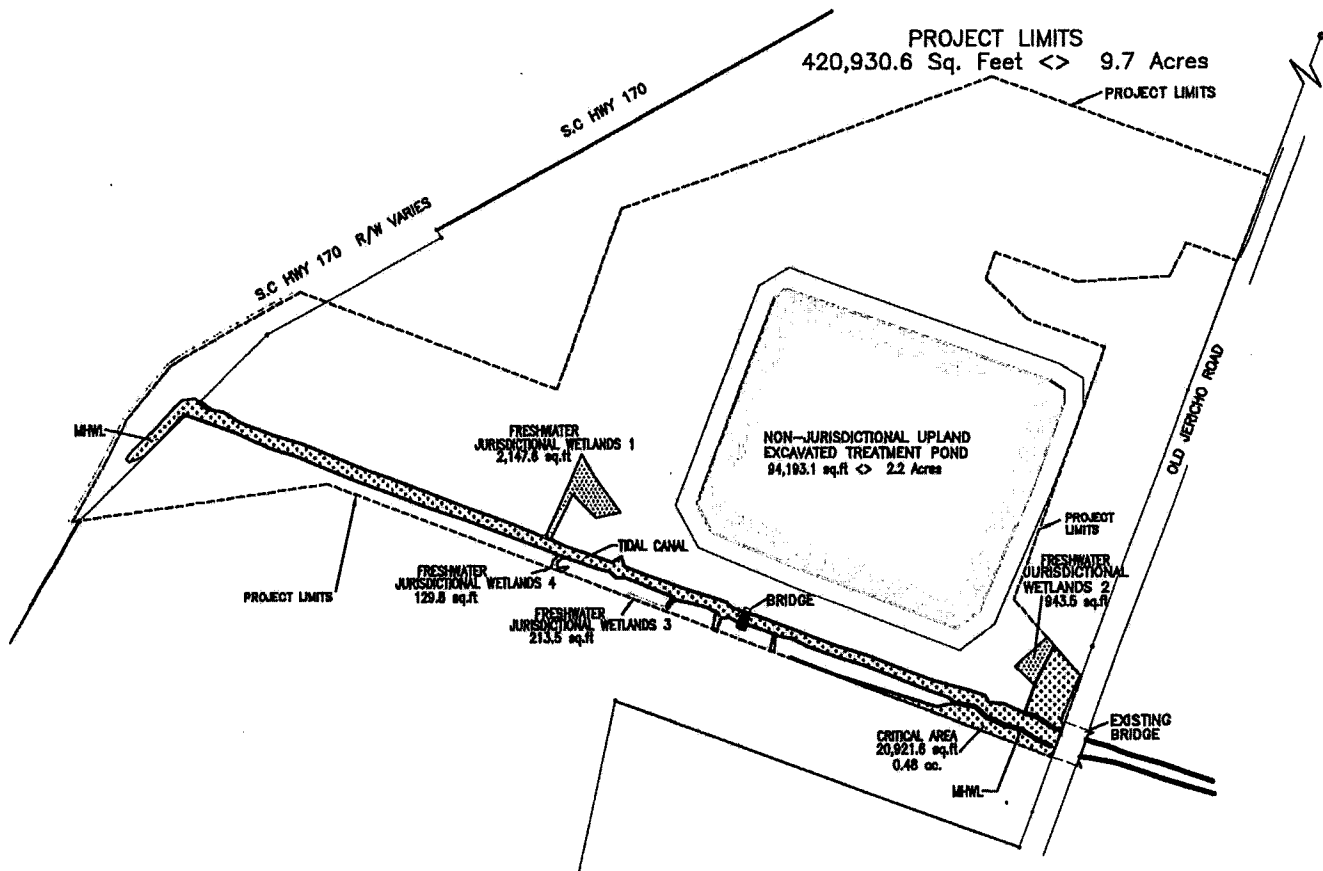
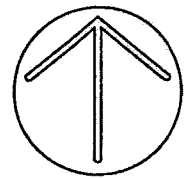
BATTERY CREEK-BURTON HILL M2

USGS MAP

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=2000'  
PROJECT #090093A

SHEET 2 OF 9



CRITICAL AREA APPROVED BY:  
GEORDY MALINGER ON 10-22-14

**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**



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**BATTERY CREEK-BURTON HILL M2  
EXISTING SITE CONDITIONS**

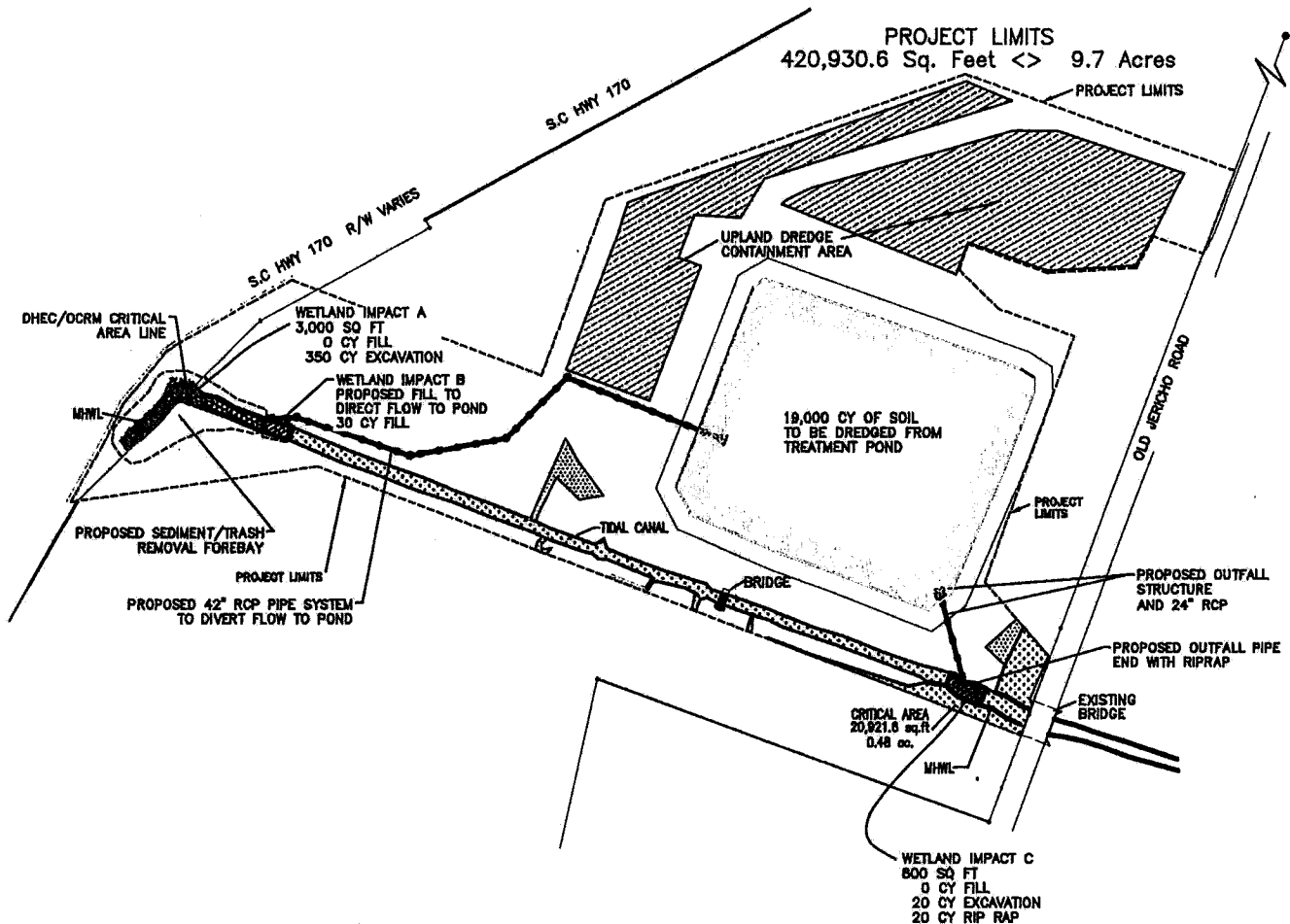
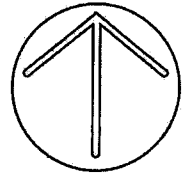
BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A

SHEET 3 OF 9

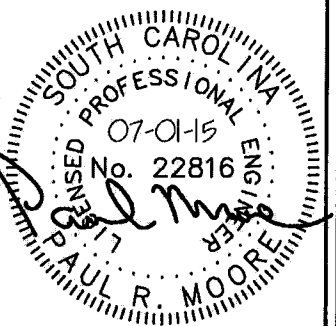


# SAC-2015-00562-1C BATTERY CREEK STORMWATER RETROFIT



TOTAL PROJECT LIMITS:  
CRITICAL AREA:  
FRESHWATER JURISDICTIONAL WETLAND:  
UPLAND EXCAVATION:  
CRITICAL AREA EXCAVATION:  
CRITICAL AREA FILL:  
RIPRAP REVETMENT:

420,930.6 SQ FT	9.7 AC.
20,921.6 SQ FT	0.48 AC.
3,434.4 SQ FT	0.79 AC.
5,442.0 SQ FT	725 CY
2,358.0 SQ FT	370 CY
340.0 SQ FT	30 CY
3,726.0 SQ FT	128 CY



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

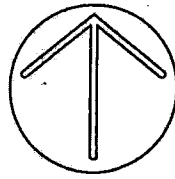
BATTERY CREEK-BURTON HILL M2  
PROPOSED WETLAND IMPACTS

BEAUFORT COUNTY, SOUTH CAROLINA

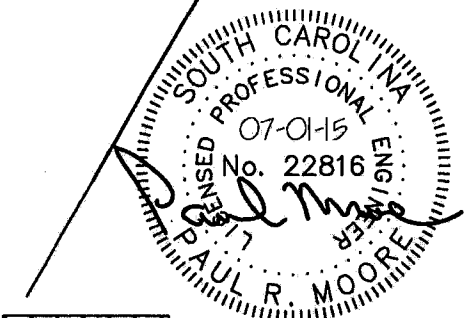
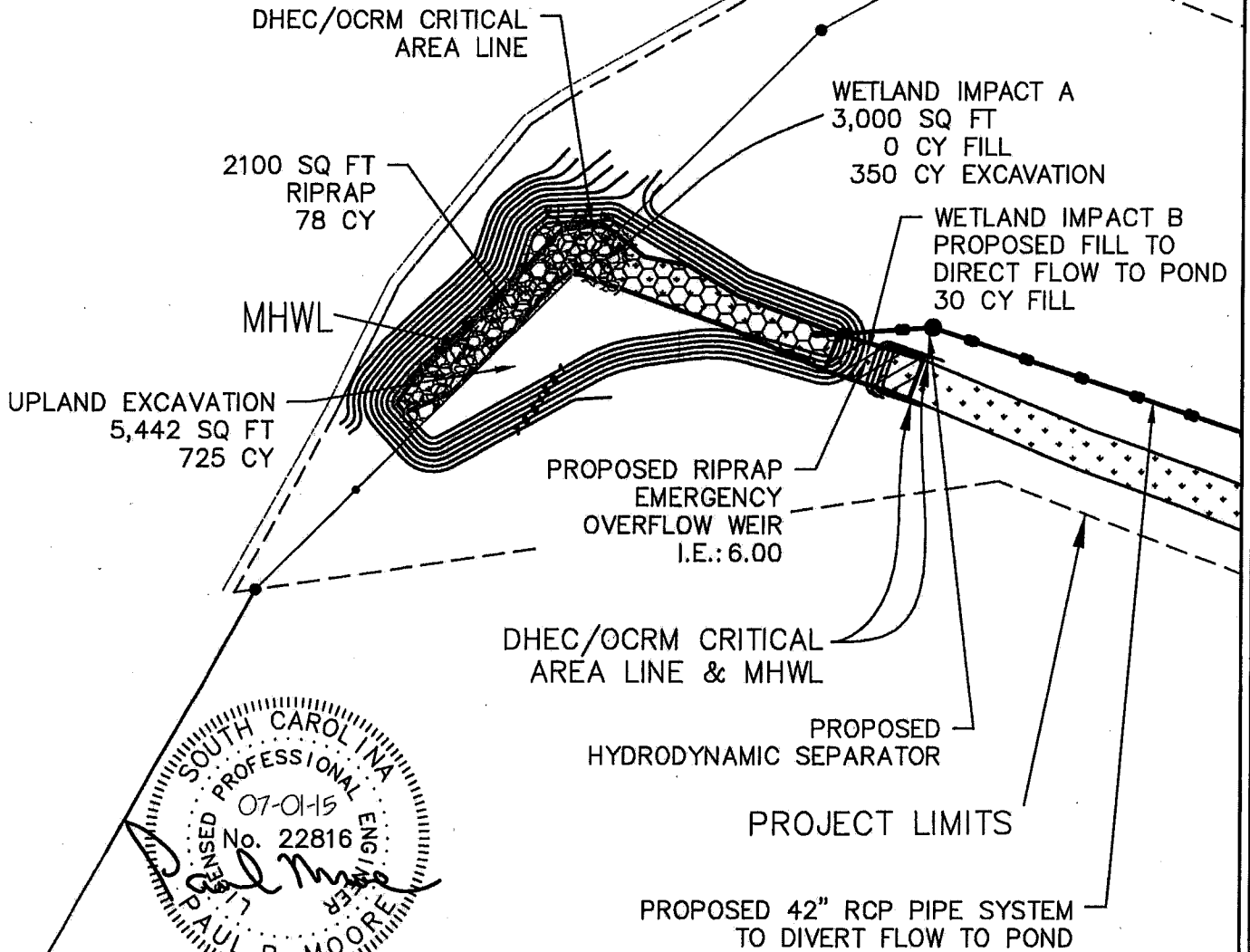
DATE: 07-01-15  
SCALE: 1"=200'  
PROJECT #090093A

SHEET 4 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



S.C HWY 170 R/W VAP



CRITICAL AREA / SECTION 10 WETLANDS TO BE FILLED



CRITICAL AREA / SECTION 10 WETLANDS TO BE EXCAVATED



P.O. BOX 381  
BLUFFTON, SC 29910  
PH (843) 837-5250  
FAX (843) 837-2558  
WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

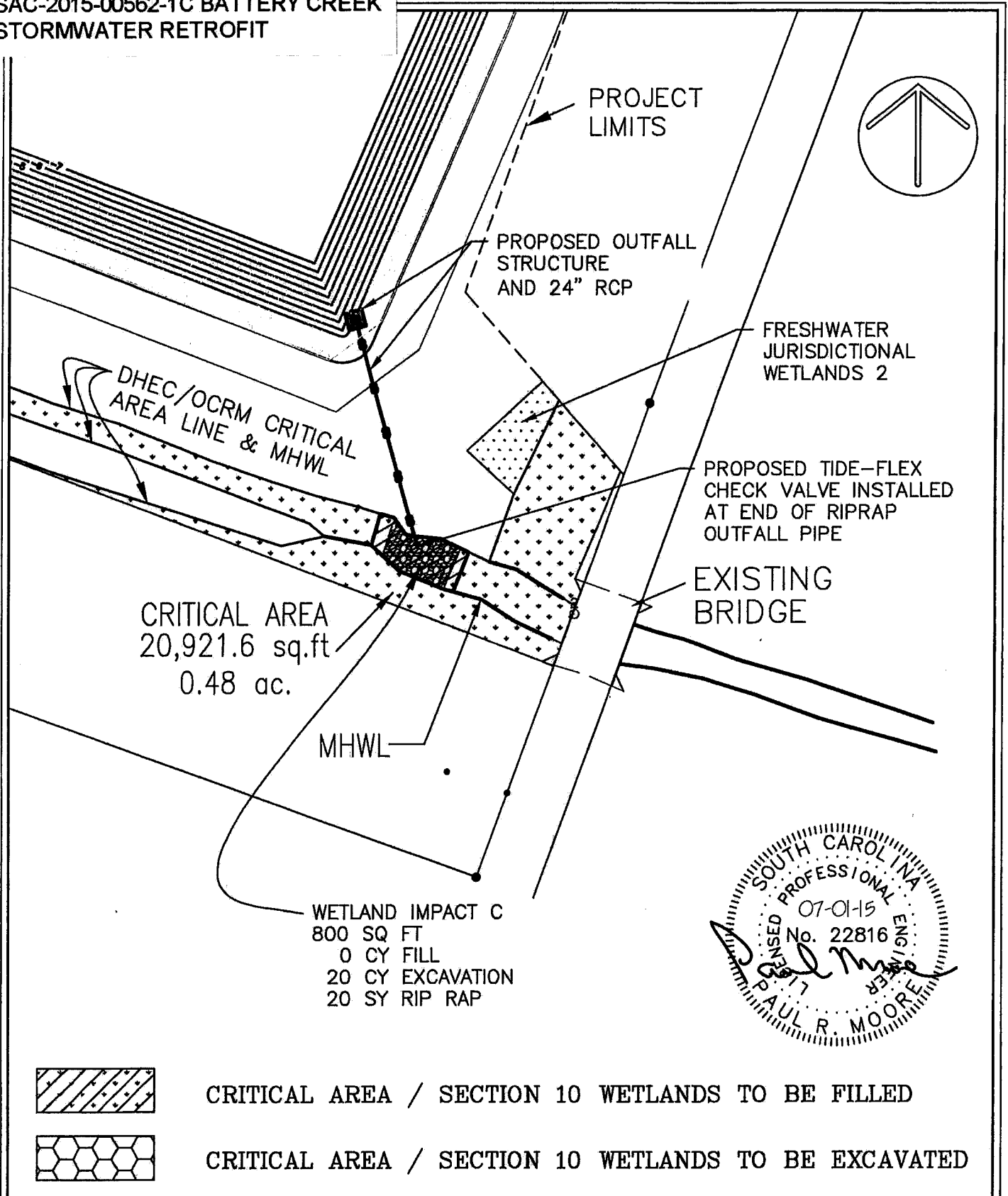
IMPACT A

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A

SHEET 5 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



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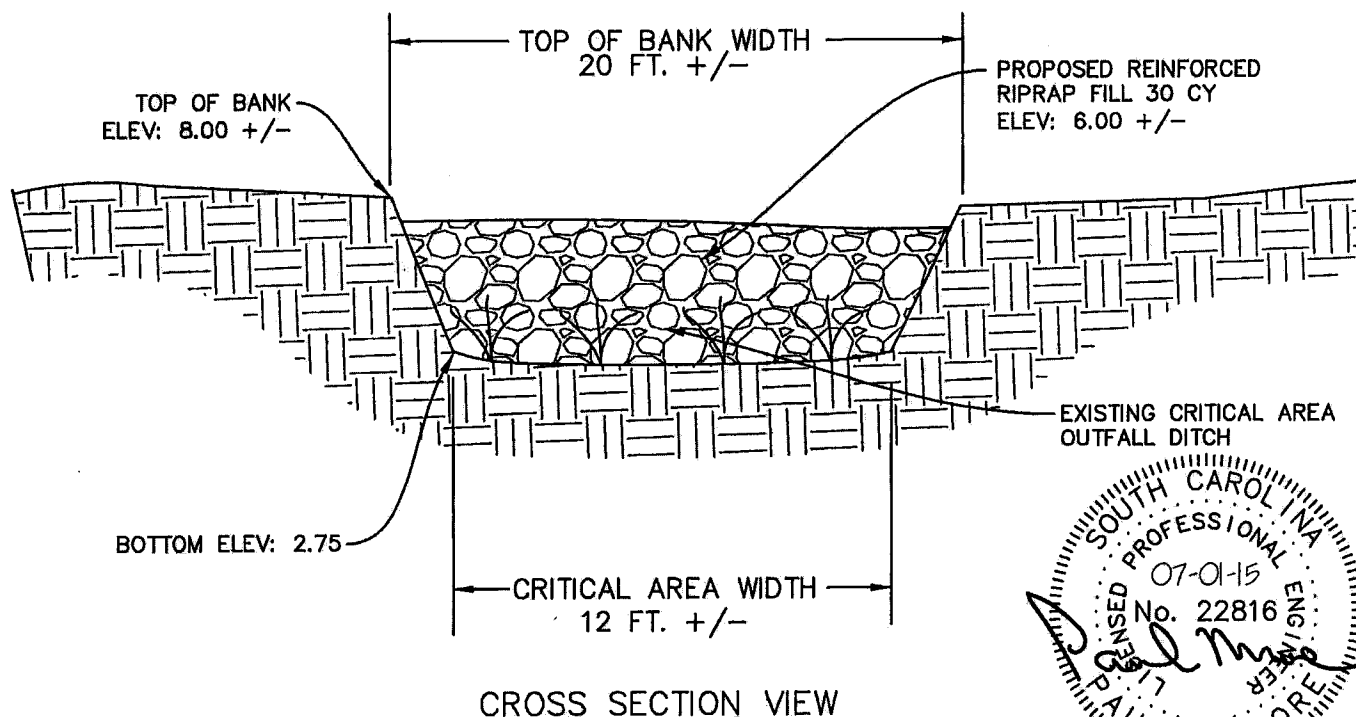
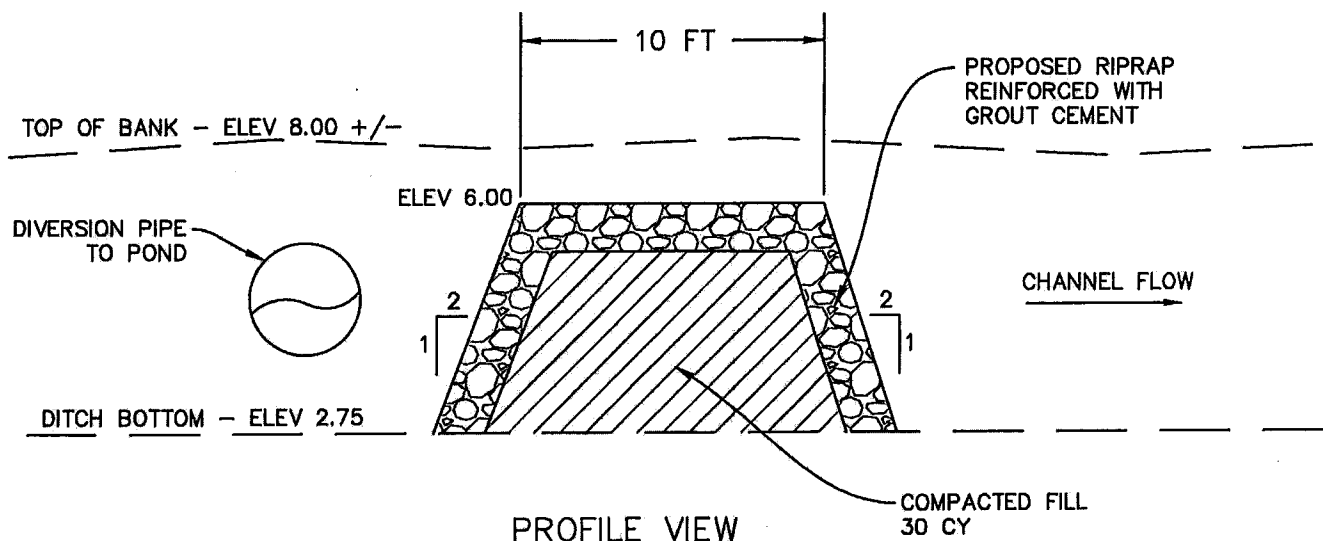
BATTERY CREEK-BURTON HILL M2  
IMPACT C

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=60'  
PROJECT #090093A

SHEET 6 OF 9

**SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT**



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**BATTERY CREEK-BURTON HILL M2**

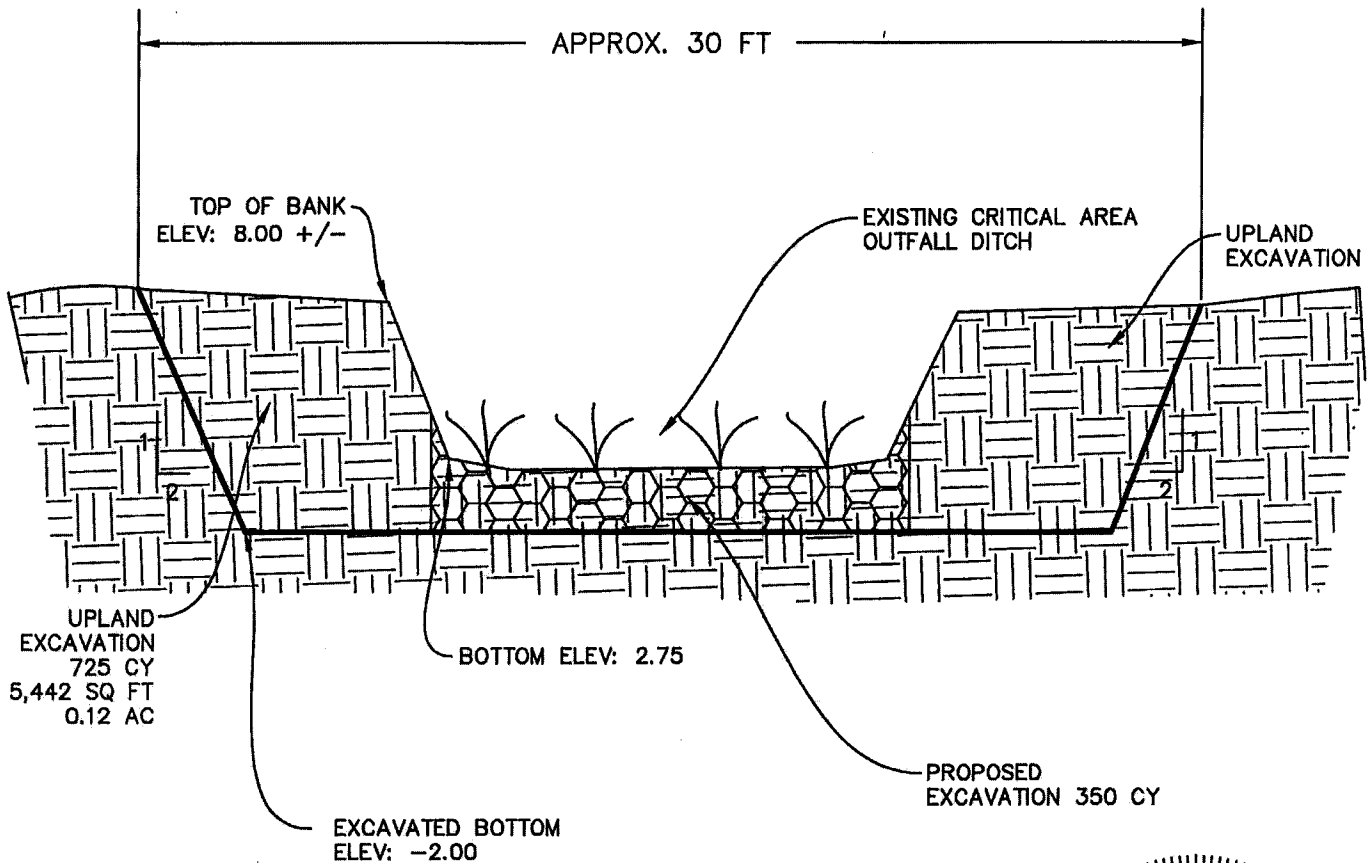
**IMPACT B SECTION**

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 7 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



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BATTERY CREEK-BURTON HILL M2

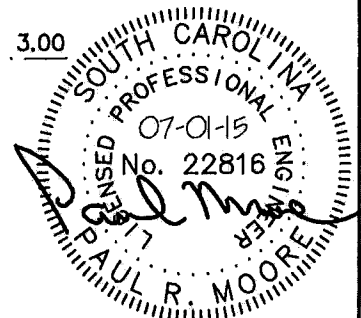
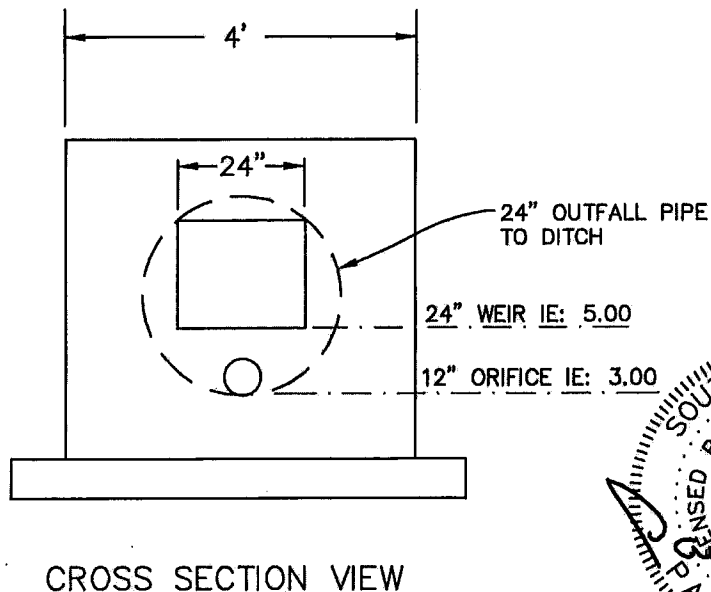
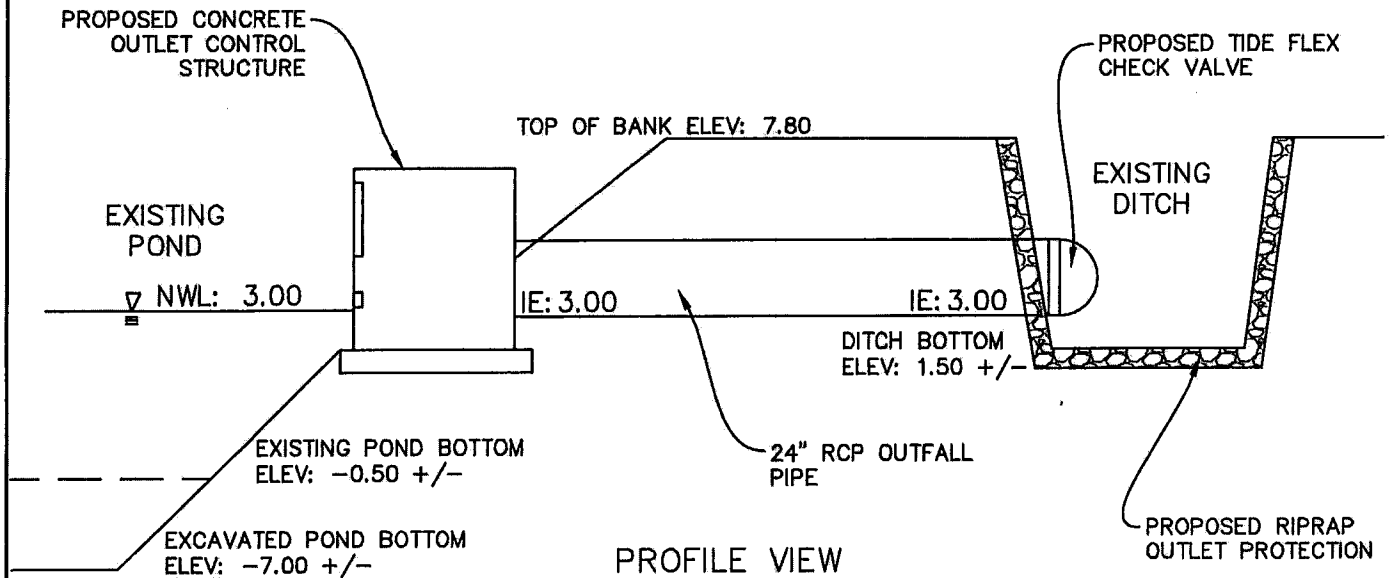
IMPACT A SECTION

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 8 OF 9

SAC-2015-00562-1C BATTERY CREEK  
STORMWATER RETROFIT



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WWW.WARDEDWARDS.COM

BATTERY CREEK-BURTON HILL M2

IMPACT C SECTION

BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07-01-15  
SCALE: 1"=30'  
PROJECT #090093A

SHEET 9 OF 9

**Battery Creek Stormwater Improvement Impacts**  
**Beaufort County, South Carolina**  
**July 2, 2015**

**Impact A:**

Impact A is currently considered a Tidal / Critical Area Ditch. The proposed plan for Impact A is to excavate 5,442 sq ft (725 cubic yards) of uplands and excavation of 3,000 sq ft (350 cubic yards) of what is currently considered tidal ditch / Critical Area for the creation of a catch basin to assist in trash collect that is anticipated entering with the received upstream stormwater. For stabilization of this area, install 2,100 sq ft (78 cubic yards) of rip rap will be required.

See sheet 5 of 9 & sheet 8 of 9 of the permit exhibits for an overview and typical cross section.

**Impact B:**

The proposed Impact B is for the installation of an emergency overflow weir. This weir will be set at an elevation that will not allow tidewaters to flood or move into the upstream area (Impact A, catch basin). The total amount of impact associated with the weir construction is 340 sq ft (30 cubic yards). Impact area B will also ensure that the stormwater generated upstream will be diverted to the proposed settling pond. The area upstream of Impact B (catch basin) would not receive tide and would be converted to freshwater once the weir is constructed. This would prohibit tide waters from entering the proposed stormwater treatment pond

See sheet 5 of 9 & sheet 7 of 9 of the permit exhibits for an overview and typical cross section.

**Impact C:**

Impact C is the proposed outfall for the stormwater design. This impact will require installation of a tide gate, excavation of tidal ditch / Critical Area, and installation of rip rap for bank stabilization. The tidal ditch excavation will total 800 sq ft (20 cubic yards) and is necessary for rip rap installation. The total amount of rip rap to be installed within Impact C is 800 sq ft (20 cubic yards) to replace the excavated material.

See sheet 6 of 9 & sheet 9 of 9 off the permit exhibits for an overview and typical cross section.

**Stormwater Pond:**

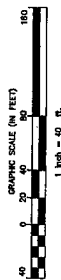
The existing 2.2 acres pond was excavated out of uplands. There is no inflow or outfall structures associated with the pond. Thus, we have considered this pond non-jurisdictional. The proposed stormwater treatment plan would utilize this pond for stormwater treatment. The pond will require the dredging of 19,000 cubic yards to facilitate treatment and storage the stormwater prior to being discharged into Battery Creek.

# WETLANDS DELINEATION SURVEY

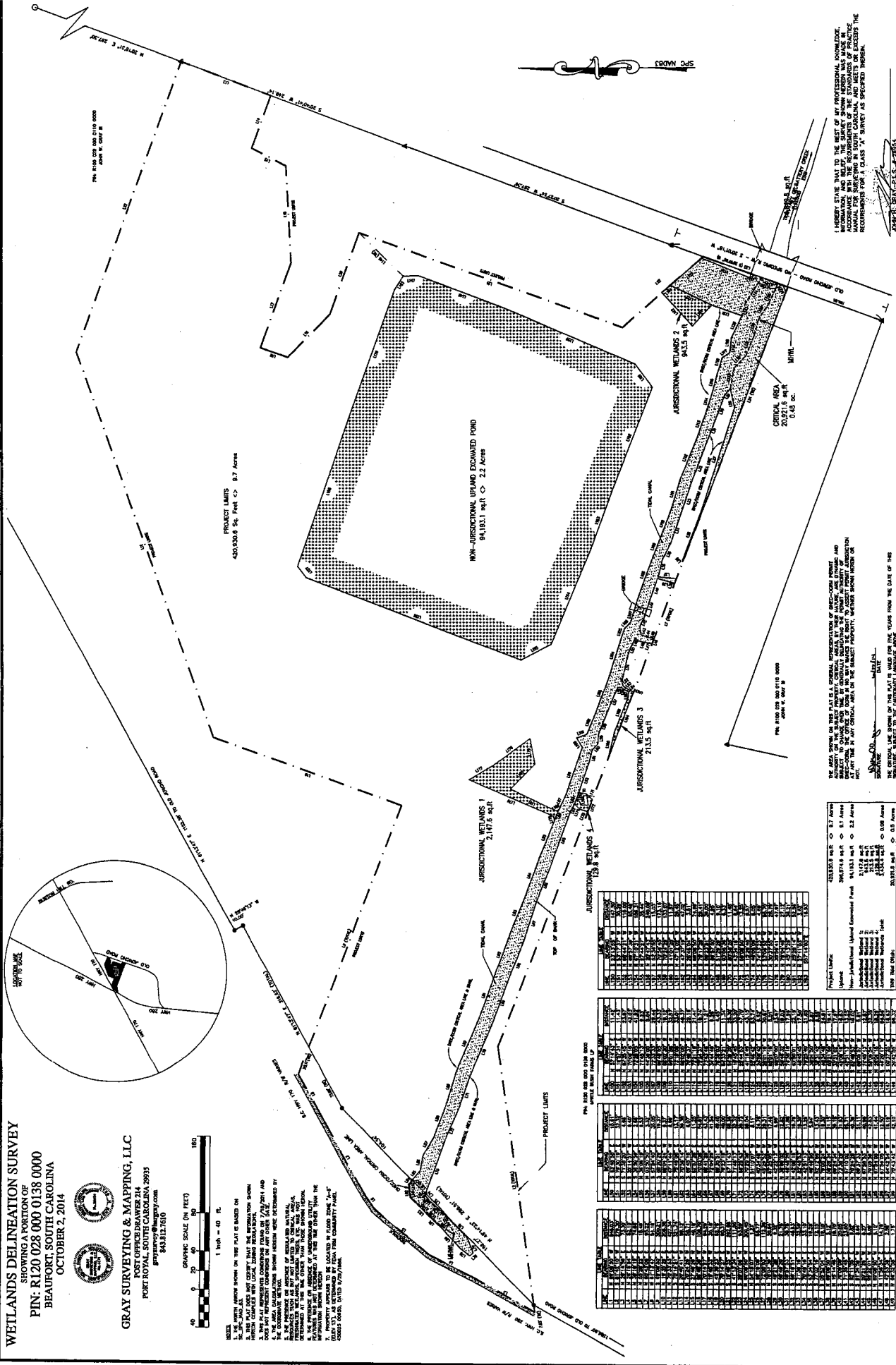
SHOWING A PORTION OF  
 PIN: R120 028 000 0138 0000  
 BEAUFORT, SOUTH CAROLINA  
 OCTOBER 2, 2014



**GRAY SURVEYING & MAPPING, LLC**  
 POST OFFICE DRAWER 214  
 PORT ROYAL, SOUTH CAROLINA 29955  
 P: 843.812.7010  
 F: 843.812.7010



NOTES:  
 1. ALL MEASUREMENTS SHOWN ON THIS PLAN ARE BASED ON THE 1983 NORTH DATUM.  
 2. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SOUTH CAROLINA SURVEYING BOARD'S REGULATION.  
 3. THE AREA CALCULATED SHOWN HEREIN WAS DETERMINED BY THE SURVEYOR'S MEASUREMENTS AND CALCULATIONS.  
 4. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 5. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 6. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 7. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 8. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 9. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.  
 10. THE PRESENCE OF ADJACENT WETLANDS, NATURAL OR CULTIVATED, WAS NOT OBSERVED OR MEASURED.



Project Limits	Wetland Area	Upland Area
Non-adjunction Upland Dominated Pond	94,183.1 ac	0.48 ac
Adjunction Wetland 1	2,113.5 ac	0.00 ac
Adjunction Wetland 2	2,113.5 ac	0.00 ac
Adjunction Wetland 3	2,113.5 ac	0.00 ac
Adjunction Wetland 4	2,113.5 ac	0.00 ac
Critical Area	20,271.6 ac	0.48 ac
Non-adjunction Upland Dominated Pond	94,183.1 ac	0.48 ac
Adjunction Wetland 1	2,113.5 ac	0.00 ac
Adjunction Wetland 2	2,113.5 ac	0.00 ac
Adjunction Wetland 3	2,113.5 ac	0.00 ac
Adjunction Wetland 4	2,113.5 ac	0.00 ac
Critical Area	20,271.6 ac	0.48 ac
Non-adjunction Upland Dominated Pond	94,183.1 ac	0.48 ac

THE AREA SHOWN ON THE PLAN IS A GENERAL REPRESENTATION OF THE SURVEYED AREA AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR'S RESPONSIBILITY IS TO PROVIDE A GENERAL REPRESENTATION OF THE SURVEYED AREA. THE SURVEYOR'S RESPONSIBILITY IS TO PROVIDE A GENERAL REPRESENTATION OF THE SURVEYED AREA. THE SURVEYOR'S RESPONSIBILITY IS TO PROVIDE A GENERAL REPRESENTATION OF THE SURVEYED AREA.

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2015-00562-10  
 City of Beaufort